

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

88th Legislative Day

January 31, 2002

Speaker Madigan: "House shall come to order. The Members shall be in their chairs. We shall be led in prayer today by the Reverend Darryl Bendorf of the Harvard Bible Church in Harvard, Illinois. Reverend Bendorf is the guest of Representative Jack Franks. The guests in the gallery may wish to rise and join us for the invocation and the Pledge of Allegiance."

Reverend Bendorf: "Shall we pray. Heavenly Father, we come to You to invoke Your blessing upon our lawmakers of our state. I ask Your blessing upon them, upon their spouses and children. We express gratitude to You for their service and for those sacrifices which are made to be away from home and the comforts of home and family for extended periods of time. We ask for guidance in their work. We ask that they shall experience personal fulfillment and enrichment, as they lead our state. I pray for the rest of our State Government, our Governor, and his administration, judges in our judicial system, law enforcement officers, and the many state employees. I pray for our citizens. I pray especially for those who are in the military and most especially for any who are serving in dangerous places such as Afghanistan, and are possibly in harms way. May they have protection this day and all days. I pray that in our political processes that we shall produce laws in our state that result in righteous laws and righteous living for righteousness exalts a nation. And in every nation whoever fears You and works righteousness is accepted by You. And we ask all this in the name of our Savior, Jesus Christ, to whom along... alone belongs glory and majesty, dominion and power both now and forever. Amen."

Speaker Madigan: "We shall be led in the Pledge of Allegiance by Representative Brent Hassert."

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

88th Legislative Day

January 31, 2002

Hassert - et al: "I pledge allegiance to the flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all."

Speaker Madigan: "Roll Call for Attendance. Representative Currie. Representative Currie."

Currie: "Thank you, Speaker. Please let the record show that Representatives Bugielski, Monique Davis, and Shirley Jones are excused today."

Speaker Madigan: "Mr. Bost."

Bost: "Thank you, Mr. Speaker. Let the record reflect that Representative Sommer is excused today."

Speaker Madigan: "... shall take the record. There being 114 Members responding to the Attendance Roll Call, there is a quorum present. Mr. Clerk."

Clerk Rossi: "Committee Reports. Representative O'Brien, Chairperson from the Committee on Judiciary II-Criminal Law, to which the following measure/s was/were referred, action taken on Thursday, January 31, 2002, reported the same back with the following recommendation/s: 'do pass Short Debate' House Bill 3717. Representative Fowler, Chairperson from the Committee on Counties and Townships, to which the following measure/s was/were referred, action taken on Thursday, January 31, 2002, reported the same back with the following recommendation/s: 'do pass Short Debate' House Bills 3734, 3771. Representative Kenner, Chairperson from the Committee on State Government Administration, to which the following measure/s was/were referred, action taken on Wednesday, January 30, 2002, reported the same back with the following recommendation/s: 'do pass Short Debate' House Bills 3736, 3749, 3750."

Speaker Madigan: "Mr. Black."

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

88th Legislative Day

January 31, 2002

Black: "Yes, Mr. Speaker, an inquiry of the Chair, if I might?"

Speaker Madigan: "State, state your inquiry."

Black: "Yes, Mr. Speaker, who's in charge of compiling the daily House Calendar?"

Speaker Madigan: "I believe that it's... as it's stated on the cover. It's compiled by a gentleman named Anthony D. Rossi."

Black: "That's what I thought. And when are we supposed to get these Calendars? In the past, Mr. Speaker, they've usually been in our office by 8 a.m. Is there any particular time at which these Calendars should be delivered to our offices, or is it strictly up to the Clerk?"

Speaker Madigan: "Not to my knowledge."

Black: "Well..."

Speaker Madigan: "I'm innocent. I have no knowledge."

Black: "Well, I can't help but notice that the Calendars are being delivered to our offices later, and later, and later as the Session goes on, particularly for those of us that are on the sixth floor. We sometimes don't get the Calendar until Session starts. I think, in all due respect and certainly I don't want to get into any question of age discrimination, Mr. Speaker. But I think the current Chief Clerk of the House is slowing down and I question whether he is able to carry out the duties of the Clerk of the House. As he has aged and I might add not so gracefully, over these past few years, if he is not able to carry out his statutory duties in a prompt and efficient manner then I think it's only fair, having been joined by 5 Members on my side of the aisle and 61 on your side of the aisle to call for his prompt removal or resignation. This is an outrage. The man has obviously gotten to a point in his life where age has caught up with him, burning the candle

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

88th Legislative Day

January 31, 2002

at both ends, they have met in the middle. And I seriously question whether he is physically and mentally capable of doing the job that requires energy, intellect, and enthusiasm. So I think the time has come to bid a fond farewell to the Chief Clerk. Put him out to pasture or wherever old clerks go. And replace him with the young and dynamic, Brad Bolin."

Speaker Madigan: "Mr. Lang.

Lang: "Thank you, Mr. Speaker. I think lost somewhere in Mr. Black's soliloquy is the fact that it's Tony Rossi's 40th birthday today. Now, if all of the Members of the House would reach into their desk drawer if you haven't already and see a little button that you should put on. It's got a very lovely picture of the Chief Clerk of the House. And I think that these should be prominently displayed but not in your districts for fear that you won't be reelected. To Mr. Rossi, we on this side of the aisle say, 'Happy Birthday'. You do a wonderful job as Clerk. You're not paying attention to me, Mr. Rossi. You're on the phone. Why am I going through this if you're not listening? You do a wonderful job as our Clerk. We wish you were a little more courteous to our side aisle. In your effort to be fair to everybody, you've been more fair to others than to us. So we would join in Mr. Black's request to have an alternate Clerk at the well, but I think that we should be talking about Mr. Black's presence on this floor as well, 'cause I had no idea what he said to you when he spoke. So, we wish you happy birthday. I hope you Members will wear your buttons proudly. If ya get stuck in the ice on the way home, it may slip neatly under a tire to get out of a ditch."

Speaker Madigan: "Mr. Black, again. Again we're going to listen

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

88th Legislative Day

January 31, 2002

to you, Mr. Black?"

Black: "Yeah, Mr. Speaker. I... I had no idea that Mr. Rossi was 40. Quite frankly, I thought he was much older than that. But I... if you'll look very carefully at this picture, it's obvious to me that in a previous life he was the lead singer for Herman and the Hermits. I mean you talk about the British invasion. Holy mackerel. I think this picture should be reproduced in oil and hung in the House chambers. Because I think it would get rid of pest, bugs and anything else. You take one look at this picture and nobody's going to stay in here very long. So hopefully, we'll adjourn quickly. And I just want to congratulate you, Mr. Clerk, not only on this remarkable hairdo, but those really neat Barry Goldwater glasses, too."

Speaker Madigan: "Representative Cowlshaw."

Cowlshaw: "Thank you very much, Mr. Speaker. As a follow-up to the remarks made a little earlier about the age of the Chief Clerk, I have looked very carefully at this photograph, apparently from his youth, long, long ago. And it's so clearly, distinctly resembles the young man who plays the part of Harry Potter in the movie that I think perhaps in order to get the calendars delivered more promptly each morning, when we are in Session, perhaps today's version of Harry Potter could have them delivered by somebody on broomstick. Thank you."

Speaker Madigan: "Representative Mendoza."

Mendoza: "Just for a point of clarification, can someone explain who Herman and the Hermits is?"

Speaker Madigan: "On the Order of House Bills-Second Reading, there appears House Bill 3629, Mr. Black. Did you wish to move the Bill? Mr. Black. How can we get along without Mr. Black? Next Bill, House Bill 3645, Mr. Holbrook. Mr.

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

88th Legislative Day

January 31, 2002

Clerk, read the Bill."

Clerk Rossi: "House Bill 3645, a Bill for an act in relation to vehicles. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. Mr. Holbrook, House Bill 3662. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 3662, a Bill for an act concerning child care. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Motions have been filed. No Floor Amendments approved for consideration."

Speaker Madigan: "Third Reading. House Bill 3769, Mr. Hultgren. Mr. Hultgren. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 3769, a Bill for an act concerning municipalities. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. House Bill 3774, Representative Klingler. Representative Klingler, do you wish to move the Bill? Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 3774, a Bill for an act in relation to education. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. On the order of House Bills-Third Reading, there appears House Bill 1689. Mr. Reitz. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1689, a Bill for an act in relation to fire protection. Third Reading of this House Bill."

Speaker Madigan: "Mr. Reitz."

Reitz: "Thank you, Mr. Speaker. House Bill 1689 is the promotion Bill for downstate firefighters. This Bill tries to step up minimum standards for I'm sure as of now everyone in the

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

88th Legislative Day

January 31, 2002

chamber should be aware of what this Bill does. To clarify it, it steps up minimum promotion standards for firefighters. It exempts communities over 1 million. And the intent of this right now is just to move this through the process. The firefighters themselves have Amendments that they're willing to put on to make this a better Bill. We hope to put those on in the Senate. So we will see this Bill back, I'm sure, in some form or fashion if the Senate moves it through. So, I said the intent is hopefully to bring everyone to the table and continue to negotiate this Bill out. And have a good Bill that will help firefighters all throughout the State of Illinois, when we get through the process. Thank you."

Speaker Madigan: "Mr. Parke."

Parke: "Thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Madigan: "Sponsor yields."

Parke: "Representative, is there any reason why we have to call this Bill today? Can't you wait until next week? I understand that there's, there's still negotiation going on this Bill. Even though your intent is to send it to the Senate, why not make a cleanup now, and do your negotiating now so that we as Legislators have a better understanding? We're torn between two groups that most of us want to support. Can't you wait until next week and let's see if you can negotiate that solution now, so that we don't have to take sides?"

Reitz: "I think they've been negotiating for a number of years, actually. And some of the... some the entities, participants in this have interested parties have walked away from the table. And we're just trying as we move through the process. And this will do it. It would move to the Senate, then we'll be able to hopefully bring

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

88th Legislative Day

January 31, 2002

everyone back. And one that, well, I'll yield then to further question."

Parke: "I'm sorry, what did you say? On that note, what?"

Reitz: "...I said we're just really trying. I think if we move this through the process, move this over to the Senate that will send a message that we would like for all affected parties to sit down to the table and try to negotiate this piece of legislation out."

Parke: "Well, how do you answer the question that you're taking away the right of the municipal government to determine who's going to manage a fire department?"

Reitz: "I don't believe we are. I think the criteria set in here is, is a minimum. And the standards and the weighting for the various things that are going to be put in to the final score for promotions will be determined by the local governments, local fire protection districts, or municipalities, or their collective bargaining agreement."

Parke: "Well, how do you answer the question that this is an unfunded mandate on to the back of municipal government and all fire protection districts?"

Reitz: "I don't believe it is an unfunded mandate. I think the each... either the municipality, the fire protection district or through their collective bargaining agreement, they do those anyway. They have promotions in every fire department. All we're trying to do is set a minimum to make sure that they're fair promotions."

Parke: "I'm also been told this preempts Home Rule. Is that true?"

Reitz: "Uh, no. I don't... but actually that's not my call. I don't believe it does. I think they each have a chance. And there is a Section in the Act that I will find that we think takes care of that. But..."

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

88th Legislative Day

January 31, 2002

Parke: "I have a letter here from the Fire and Police Commissioners Association, says that this does preempt Home Rule. Why would they say it does? And if it preempts Home Rule, then I would ask the Chair for a ruling on how many votes is necessary to pass this. Mr. Speaker, since we have discrepancy on whether or not this preempts Home Rule and that would affect the amount of votes necessary to pass it, could the parliamentarian..."

Speaker Madigan: "We'll ask the parliamentarian to research the question. Did you have further discussion, Mr. Parke?"

Parke: "I do."

Speaker Madigan: "Proceed."

Parke: "Does this affect collective bargaining in any way, Representative?"

Reitz: "It allows collective bargaining to take, to take place. They're, as I said, the the standards that will be setup within this Act will require various facets of promotions to be dealt with. And that collective bargaining is one way that they will decide the weighting factor, either by collective bargaining through the police comm... fire, the fire commission or fire boards, or the municipality, if they don't a fire board."

Parke: "Well, Representative, in this, in this document I have in front of me, this really has umpteen questions that you and I don't seem to have the right answers on. I mean, I know what you're trying to achieve, that it just makes it even more difficult for those of us that favor both municipal government positions and our hardworking firemen and women. And you're going to put us on a Roll Call that some of us don't want to be on un... Why can't you do your negotiation before we have to vote on it, so we have an Agreed Bill? I mean, negotiation means you come to a

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

88th Legislative Day

January 31, 2002

conclusion that people agree on. And now you're going to ask us to take sides on a Bill that I don't think's ready for prime time and you've agreed it's not ready for prime time. Yet, you're going to require us as Members of the General Assembly to vote on something that I think is incomplete. Why can't you wait until next week, again?"

Reitz: "I think because we have not had much luck in the previous year or so to try and bring everyone to the table. I said it's one step in the process as this moves through, hopefully they, everyone that's affected by it will get more serious about it and come in and sit down and hopefully negotiate out an Agreed Bill. And you know, I really can't speak for the Senate. I'm not... I don't know what they'll do. But I would hope that they would sit there and all the parties would like to work something out. But I... ya know, one thing I'm positive of, this probably is not the final product, as I said. So, there will be some changes but I think it's... the intent of this is close enough. And I think we're sending a message to everyone involved that we would like them to sit down and participate."

Parke: "All right. How do you answer the question, that this also bothers me, about permits seniority points to be negotiating setting no caps and thus adversely impacting minorities and females? How do answer that objection to this legislation as you're proposing it at this time?"

Reitz: "I don't think it will. And that's definitely not the intent, it's to make we..."

Parke: "It may not be the intent, but according to this document that is a listing of a problems that the Fire and Police Commissioner Association has, they seem to think that this will have an adverse effect on minorities and females that

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

88th Legislative Day

January 31, 2002

are in the system. This bothers me, makes me uncomfortable that I don't know the full impact. I know what you're trying to achieve but as it is in the form as it is now they seem to think that it will. Can you give me some semblance of what makes me feel more comfortable to vote for your legislation, if in fact, I may be casting a vote that adversely affects minorities and female firefighters?"

Reitz: "Well, there again, I don't believe, the way I read it I don't think that it does that. I think it, you know, it allows... it just sets that we're going to have certain criteria that we're going to use for promotions. And I said most of those are going to be set on the local level in some form or fashion that determine the weighting factor for each part of the portions of this Promotion Bill that this Act does are going to be decided by the local government or local entity in some form or fashion or the collective bargaining agreement. So and I am, you know, I'm sure and have enough faith in our local entities and the people at the negotiating table to make sure that they won't discriminate or in any way have undue influence on minorities or women firefighters."

Parke: "Okay, thank you. Mr. Speaker, to the Bill. Well, wait I'd like a ruling from the Chair on my inquiry."

Parliamentarian Uhe: "Representative Parke, on behalf of the Speaker in response to your inquiry, this Bill as amended preempts Home Rule powers to the extent that Home Rule units may not regulate firefighter promotions in a manner that is inconsistent with the state regulation on that subject. This is a preemption under Section 6 (i) of Article VII of the Constitution requiring 60 votes."

Parke: "Okay. To the Bill. Ladies and Gentlemen, I understand the intent of the Sponsor, but this Bill is in negotiation."

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

88th Legislative Day

January 31, 2002

It's still, it's still, we have people that have not agreed to it. It, as it is now it pits us as Legislators having to make a decision between management and union. That's not a good position to put us in. The Sponsor admits that it needs work to be on, yet, he's asking us to cast a vote. I guess, I think you all need to pay very close attention to this vote. I don't think it's ready for us to be voting on. And as much as I work and support my firemen and firefighters in this state, I'm going to vote a 'present' vote, because it's not ready for us to be voting on. I think it's inappropriate for an incomplete Bill that's still being negotiated to be forced upon us to ca... to take sides on an issue that could easily come up with a decision that we all could support. So, I guess I'd ask the Body to vote 'no' or 'present' until the negotiations are over."

Speaker Madigan: "Mr. Lang."

Lang: "Thank you, Mr. Speaker. I rise in support of House Bill 1689. I found the comments of the previous speaker curious. He wants us to believe that since a Bill isn't completely agreed to by two competing sides that we should not be voting for it. That's why we were elected to be here. We were elected to make these decisions. And while it is quite true that the mayors are not in completely pleased with the fact that this Bill may pass, the Sponsor would tell you that the fire chiefs negotiated this Bill with him. And so you have a situation where we've got someone standing on floor telling you to vote 'no' or 'present' on a Bill simply because there's two competing parties. Well, we don't pass every Bill here 118 to 0. Sometimes we, actually, as one of my friends says, we have to rise above principle and do the right thing once in

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

88th Legislative Day

January 31, 2002

awhile. And here the right thing is to take care of the firefighters of the State of Illinois. Many of the fire departments all over the State of Illinois can be enhanced by a system of... that is specified in this Bill. We want to make sure the promotions are done on a fair basis. Some would tell you they have not been done on a fair basis. This is a way to put into place a Bill that maybe some would disagree with, but certainly has been negotiated with fire chiefs all over the state. They think the Bill is in shape to pass. I think the Bill is in shape to pass. And it seems to me that this is not a year to be voting against anything having to do with firefighters. Seems to me that we've learned a lesson in the last several months about the value of firefighters to the people that live in our state and country. I would strongly recommend an 'aye' vote. Let's move this to the Senate. If there are changes to be made let's make them, but let's let the firefighters of Illinois know how strongly we support them. And let's give them an 'aye' vote."

Speaker Madigan: "Mr. Black."

Black: "Thank you very much, Mr. Speaker. Will the Sponsor yield?"

Speaker Madigan: "Sponsor yields."

Black: "Representative, there's a lot of misrepresentation about this Bill. I received a fax this morning that said this Bill makes promotions based solely on seniority. In other words, if you've been there 40 years and the next person's only been there 39, I guess you become the chief. I don't know. I don't interpret that Bill this way at all. How would you respond to that?"

Reitz: "I think you've interpreted correctly. This is not strictly based on seniority. Seniority is just one factor

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

88th Legislative Day

January 31, 2002

that is in the weighting, in the weighting for any promotion. The other factors along with seniority is the written examination, merit points that would be ascertained, and there again by the local unit that governs the fire department, subjected evaluations, and veterans preference."

Black: "In fact, doesn't the current Bill reference that seniority 'shall' be considered? The current law, if I recall, you can correct me if I'm wrong, references language that says, 'in the promotions of firefighters et cetera seniority 'shall' be one of the determining factors.'"

Reitz: "That's correct. That's my understanding also."

Black: "This Bill, if I've read your Bill correctly or the Amendment to the Bill that actually becomes the Bill, makes seniority and says 'seniority may be' a determination of other factors on a promotion."

Reitz: "That's correct. It will be part of the overall evaluation."

Black: "All right."

Reitz: "It will be part of the overall evaluation."

Black: "All right. So it's a permissive. It... contrary and you know people of good will can disagree on what a Bill does and does not do. But I think it... I think it's somewhat unfortunate that some people are portraying this as it is based solely on seniority. I've read this very carefully. This Bill has been around 4, 5, 6 years. It does not do that and in fact it makes it very clear that seniority 'may' be a factor in promotions. And I think the Bill goes on to also safeguard certain things that are being misrepresented. It does not change the hiring process in any way, shape or form. Correct?"

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

88th Legislative Day

January 31, 2002

Reitz: "Correct."

Black: "It does not take away powers that boards of police and fire commissioners currently have."

Reitz: "Correct."

Black: "All right. So it says that seniority 'may' be a consideration and, in fact, if I read this correctly, and again tell me if I'm wrong, this doesn't mandate anything. It says that a fire department 'may' negotiate this promotion policy. It doesn't say that if this,... I don't interpret it as saying that if this Bill passes this becomes the way promotions will be dealt with. If I... I read it correctly it says, 'you can negotiate this process'."

Reitz: "Right. You know with... Yeah, either at the bargaining table or somewhere along the line."

Black: "I think that's about as fair a process as you can make it. I'm not even sure... And again, people of goodwill can disagree. I'm not even convinced that this is, in fact, a mandate. All, if so, all it is saying to my interpretation is mandating that you bargain this in good faith. Many communities will do so and may adopt it. Some communities may not bargain in good faith and will not adopt it. So, I don't think we're imposing any overt hardship on communities, at least from my reading of the Bill. And I thank you for your answers. And I intend to vote 'yes'."

Speaker Madigan: "Mr. Stephens."

Stephens: "Thank you, Mr. Speaker. Will the Gentleman yield?"

Speaker Madigan: "Sponsor yields."

Stephens: "Representative, how does this affect the volunteer fire departments?"

Reitz: "It will be the same. I mean, they will have minimum

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

88th Legislative Day

January 31, 2002

testing and it really depends on if they have a police commissioner, or if the municipality does it themselves. But it will set minimum criteria for everyone, for all fire departments under one... with populations of less than 1 million."

Stephens: "Well, Representative, so there was some of us on this, I believe, in this... on this Bill that thought that this just affected municipal fire departments that hired their, all of their firefighters. I'm getting advice from my staff. I know that we're not supposed staffers on the floor, but I brought my personal staffer. There is an Associated Firefighters piece of information that has been distributed that said this Bill, first of all, does not..."

Reitz: "... you know, you're right."

Stephens: "affect the City of Chicago."

Reitz: "Correct."

Stephens: "They're all volunteers, aren't they?"

Reitz: "And it does, I said they're all volunteer. No, I stand corrected. Yeah, it does not include volunteer. I'm sorry."

Stephens: "Okay. Thank you. And kudos to my new staff. Why did we exempted the City of Chicago?"

Reitz: "Because they're probably exempt from most things. They have their own special part within the statutes that we deal with. And it is a different circumstance in the City of Chicago as opposed to the smaller fire departments within the thing. And for my part maybe they don't have a problem in the City of Chicago. I don't know. I never did ask that question."

Stephens: "No, Representative, they've got more than their share of problems in the City of Chicago. Did you say they might... they're covered in a special piece of the

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

88th Legislative Day

January 31, 2002

statute?"

Reitz: "Well, we have a number of parts within the statute for communities over 1 million or counties over certain thresholds. So, there are just a number of things within the statute that I would assume that is the reason and that is the the reason we did not include them in this."

Stephens: "Representative, for the record, in your opinion, someone stated earlier that this of all years is not a year to be against a vote for the firefighters. And I would only expand that to say that there's never a good year to be against the firefighters. Because in your and my part of the state, predominantly, we have volunteer firefighters. You and I have stood together and worked on legislation and voted in support of those firefighters. In your opinion, is there anything about those of us who might have a question about why certain exemptions are made, or why we're preempting Home Rule, or why we're helping, getting involved in negotiations that really... that should be interpreted as antifirefighter?"

Reitz: "No, but I do believe it's time as said and as Representative earlier said, we have been. They've been working on this Bill for 4 or 5 years. I've been as of last year, about the middle of last year involved in that. All the negotiations they had a number of the interested and the affected parties have walked away from the table. The best way is to stand up for firemen in this state and let them know that we care about their concerns and we're going to work on minimum promotion standard for this state and pass this over to the Senate. And I think that sends a clear signal, because we haven't had much luck apparently in the past here, of getting everyone to the table. That sends a clear signal that as a Legislature we're concerned

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

88th Legislative Day

January 31, 2002

about this issue and we want to see everyone back to try and negotiate out a good Bill."

Stephens: "Thank you, Representative. For the record, Mr. Speaker, some of us have issues with this Bill that go way beyond our support of the local fire department. And I am insulted that anyone would stand on this floor and suggest that a vote on a Bill that has more to do with local negotiations than whether the local taxpayers are the ones who are going to elect the people that sit at the table sign these agreements is the right thing to do. In this year of all years, when all of us, every Member of this General Assembly was touched by the heroism of firefighters that we watched on a national basis in the City of New York and in Pennsylvania and at the Pentagon. Make no mistake about it, there is nothing in this Bill that is saying that we are antifirefighter. Representative, the Sponsor of the Bill, I ask if that was his opinion. I didn't get a clear answer. I will tell you that I have nothing but respect and honor for those who, especially the volunteer firefighters, people who get about \$8 a month for travel time, who give up their personal lives and walked into those dangerous situations when the rest of civilization is walking away from them to save themselves. The firefighters in New York and New Jersey and Pennsylvania and Washington D.C. were perfect examples of the honor and bravery that we... that we respect here in this General Assembly. And in no manner does my vote on this Bill reflect my devotion to, support of, or lack thereof, of the brave and honorable firefighters here in Illinois. But this goes beyond our admiration and respect for firefighters. This talks about whether we should insert the legislative Body, our Body, our intent, in between

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

88th Legislative Day

January 31, 2002

negotiations between locally elected officials, the mayors and city council members and those people that they hire and promote. And then it goes further, at least by implication, to imply that maybe the volunteer fire departments that almost every city that I represent have, that maybe we should somehow tell them who should be promoted and who should be in charge of making the crucial decisions at the fire about who goes in and who stays out. I think not. I don't think that's the place for the Legislature, first of all. And as always, it seems like every time there's a Bill that affects every downstate city and village the rules and regulations that are good enough for us, we exempt the City of Chicago. Because as the Representative says, the City of Chicago has a special place in the Legislature. It has special place in the statutes. And they do things, well, different, I guess I would say. I wouldn't say better or worse. I say maybe they will do them differently. I respect the firefighters in the City of Chicago. I respect them in my district, in O'Fallon and Troy. And I respect them in your district, Representative. And I don't know that we should get involved in helping settle negotiations. I respect you and your efforts. And I know that the votes that may not be in support of this Bill in no way reflect our opinion and our belief that firefighters throughout Illinois are doing a good job."

Speaker Madigan: "Mr. Miller."

Miller: "Thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Madigan: "Sponsor yields."

Miller: "Just real simple. Just a few questions. I remember when this Bill first came up and various interest groups had approached me on both sides of this. And the issue

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

88th Legislative Day

January 31, 2002

that both sides are trying to persuade me on, one way or another, was the issue dealing with minorities and their ability to move up in the contract, in negotiations. Could you address that, Representative?"

Reitz: "I don't believe this in any way effects that. I mean, I think one of the problems we maybe have is getting minorities hired to start with and this does not, unfortunately, does not address the hiring practices just promotions and trying to do them and get qualified candidates and good candidates to promote up in various fire departments."

Miller: "Well, I understand about the hiring practices, but maybe I didn't articulate my point, was, I guess the concern was in regard to minorities who may not be able, who have not had the the tenure as others, who may be just as qualified or may be whatever, but not able to move up. And so for instance, there's concerns in my area in which you've got a changing demographics population, in which the firefighters are predominantly white in certain areas with an African-American base. So, some of the... constituents has concerns of if those African-Americans' are hired on the force do they have the opportunity and chance to move up? Does this in any way address that issue?"

Reitz: "Yeah, Representative, yeah there's one thing that seniority is maybe one of the... one of the factors in there. But this Bill also allows for two people, the position of second commander, allow for two people to be appointed in that position, along with the chief, that's currently not in law. So, if communities are you know wanting to promote minorities members that may have been newer to the force they have that opportunity. There'll be two positions available for them to promote whoever they

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

88th Legislative Day

January 31, 2002

want outside of this Bill."

Miller: "Okay. Now, you've mentioned that this is and I have heard in debate so far that this is, can be considered. What are the other factors that are considered, that are explained in this legislation..."

Reitz: "Okay."

Miller: "...or not explained?"

Reitz: "The factors that will go into the promotion, promotions in general? Is that your question?"

Miller: "Correct."

Reitz: "The fact it will take in along with we said seniority. It sets requirements for written examinations. It awards seniority points. It may award... ascertain merit points and subjective evaluations, which still gives a place for weighting for the board itself. And it awards veterans preferences. So those are the components that are contained within the Promotions Act."

Miller: "Okay. Last question. Why are the opponents Illinois Municipal League and others? In your opinion what is their major opposition to this?"

Reitz: "Really, since I've their... since I've been involved in this in negotiations they haven't been at the negotiations. So, I don't know. I guess what their various people from the Municipal League are telling them is that it may be in what I've heard from my mayors is that the the police or the sheriff agencies may be next and they're not included in this Bill, whatsoever. So, I'm not, ya know, what their concern is, ya know, I really can't answer that."

Miller: "Okay, thank you."

Speaker Madigan: "Mr. Schmitz."

Schmitz: "Thank you, Mr. Speaker. Representative, I'm going to give you a breather for a minute, then I'm going to go

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

88th Legislative Day

January 31, 2002

straight to the Bill on this. There's a lot of confusion floating around on this Bill. And I was a part of that confusion and I told my colleagues on this side of the aisle this Bill had some work on and that we weren't sure which version we were looking at, which Amendment we were looking at, that today we're looking at the correct version, the correct Amendment. Based on the facts that I've gathered in the last 48 hours, talking with all sides involved in this, I want to tell my colleagues on my side of the aisle that I strongly support this Bill. This Bill is in a form that can be passed. It can be sent over to the Senate. It's setting minimum standards statewide on testing, the end. It's not telling the fire departments exactly what test to use for written, what questions to ask in oral interviews, or what items they may use in terms of merit selection. This Bill is not even telling the fire departments how heavily they should weight seniority. That's up to the bargaining unit or the appointing authority. I hate to inform this Body that we set minimum statewide standards in just about every aspect of State Government. This is another one. This is a minimum, statewide standard that each department will follow when promoting people, four basic criteria which is the minimum. If the department chooses to go above that, so be it, but they will not go below it. And Representative, I want to thank you for your work on this Bill. And I know that it's not in its final form. And I know that this Bill still has a little work to do. And I look forward to working on it over in the Senate. And I would urge my colleagues on this side of the aisle to cast an 'aye' vote. Thank you."

Speaker Madigan: "Representative Slone."

Slone: "Thank you, Mr. Speaker, Ladies and Gentlemen. I rise in

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

88th Legislative Day

January 31, 2002

support of this Bill. I have discussed this legislation with members of the Peoria Fire Department which has been using a very similar promotion program for a quite a number of years, since the mid 1980's. It's been extremely successful there. This system is very workable for both labor and management. There have been almost no controversies. There was one lawsuit, I believe, that resulted in upholding the decision that had been made. Overall this period, it's been very successful. And they have implemented it there in a way that allows the individual firefighters in the course of their work, encourages them to learn, encourages them to practice skills that they will be using if they receive a promotion. And it's worked for the minority firefighters. It's worked for all the firefighters. And I would strongly urge your support of the Bill."

Speaker Madigan: "Mr. Reitz to close."

Reitz: "Thank you, Mr. Speaker. Just to clarify earlier, I apologize that this... definitely does not include volunteer or part-time fire departments, does not include the City of Chicago. Just ... sure we clarified that. But I would appreciate your vote on this, as we said. I think the firefighters have earned this trying to negotiate this out over the past few years. We're trying to just bring everyone back to the table, if they so wish. In the Senate, we'll be happy to sit down with them from both sides of the aisle and try to work this out. But I'd appreciate your vote and the firemen of the State of Illinois would appreciate your vote. Thank you."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish?"

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

88th Legislative Day

January 31, 2002

Have all voted who wish? Three people have not voted. Two people have not voted. The Clerk shall take the record. On this question, there are 84 people voting 'yes', 9 people voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Black, you are the Sponsor of House Bill 3629 on the Order of Second Reading. Did you wish to move the Bill? Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 3629, a Bill for an Act concerning vehicles. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. Agreed Resolutions."

Clerk Bolin: "House Resolution 609, offered by Representative Morrow; House Resolution 610, offered by Representative Granberg; House Resolution 612, offered by Representative Granberg; House Resolution 613, offered by Representative Osterman; House Resolution 615, offered by Representative Garrett; House Resolution 617, offered by Representative Morrow; House Resolution 618, offered by Representative Giles; House Resolution 619, offered by Representative Granberg; House Resolution 620, offered by Representative Granberg; House Resolution 621, offered by Representative Granberg; House Resolution 622, offered by Representative Lang; House Resolution 625, offered by Representative Bill Mitchell; House Resolution 626, offered by Representative Bill Mitchell; House Resolution 627, offered by Representative Pankau; House Resolution 628, offered by Representative Osmond; House Resolution 629, offered by Representative Novak; House Resolution 630, offered by Representative Howard; House Resolution 631, offered by Representative Howard; House Resolution 632, offered by Representative Kosel; House Resolution 633, offered by

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

88th Legislative Day

January 31, 2002

Representative Pankau; House Resolution 634, offered by Representative Barbara Flynn Currie; House Resolution 635, offered by Representative Osterman; House Resolution 636, offered by Representative Stephens; House Resolution 637, offered by Representative Stephens; House Resolution 640, offered by Representative Osmond; House Resolution 643, offered by Representative Morrow."

Speaker Madigan: "The Clerk has read the Agreed Resolutions and Representative Currie moves for the adoption of the Agreed Resolutions. Those in favor say 'yes'; those opposed say 'no'. The 'ayes' have it. The Agreed Resolutions are adopted. Mr. Clerk, anything further? The Clerk for the Adjournment Resolution."

Clerk Bolin: "Senate Joint Resolution #48, offered by Representative Barbara Flynn Currie, resolved by the Senate of the 92nd General Assembly the State of Illinois, the House of Representative concurring herein, that when the Senate adjourns on Wednesday, January 30, 2002, it stands adjourned until Tuesday, February 5, 2002, at 12:00 o'clock noon; and when the House of Representatives adjourns on Thursday, January 31, 2002, it stands adjourned until Monday, February 4, 2002, in Perfunctory Session; and when it adjourns on that day, it stands adjourned until Tuesday, February 5, 2002, at 1:00 o'clock p.m."

Speaker Madigan: "The Clerk has read the Adjournment Resolution. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Adjournment Resolution is adopted. Representative Currie moves that the House stand adjourned until Tuesday, November (sic-February) 5 at 1 p.m. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The House does stand adjourned until Tuesday, February 5, at 1 p.m., providing perfunctory time for the

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

88th Legislative Day

January 31, 2002

Clerk."